

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

**JAIME MUNOZ,**

**Plaintiff,**

**vs.**

**UNITED STATES OF AMERICA,**

**Defendant.**

**NO.**

**COMPLAINT FOR  
PERSONAL INJURIES**

COMES NOW the plaintiff, by and through his attorney of record, Terry P. Abeyta, of Abeyta Nelson P.C., and alleges:

**PLAINTIFF**

1.

At all times material hereto, plaintiff Jaime Munoz was and is a resident of Yakima, Yakima County, Washington.

**DEFENDANT**

2.

This action is brought against the United States of America under 28 U.S.C. §2674.

**JURISDICTION AND VENUE**

3.

Jurisdiction for this action rests with this Court pursuant to 28 U.S.C. §1346(b). The appropriate venue for this case under 28 U.S.C. §1402(b) is in the Eastern District of the Federal District Court of the State of Washington.

**NEGLIGENCE**

4.

Plaintiff Jaime Munoz was diagnosed with rheumatoid arthritis on or about May 25, 2016.

5.

Plaintiff Jaime Munoz was prescribed methotrexate for his arthritis on or about June 16, 2016. The prescription was for six tablets of methotrexate (2.5 mg) by mouth every seven days.

6.

Based on information and belief, the prescription for methotrexate was sent electronically from Confluence Health in Wenatchee, Washington to Yakima Neighborhood Health Services Pharmacy.

7.

Yakima Neighborhood Health Services Pharmacy filled plaintiff Jaime Munoz's prescription. He was given thirty (30) methotrexate (2.5 mg) tablets by the Yakima Neighborhood Health Services Pharmacy.

8.

The information leaflet containing the instructions for use of the medication given to plaintiff Jaime Munoz stated, "Tomar 6 tabletas por boca diario para 7 dias."

1  
2 9.

3 The prescription bottle label stated, "Tomar 6 tabletas por boca diario para 7  
4 dias."

5 10.

6 Tomar 6 tabletas por boca diario para 7 dias translates to "Take 6 tablets by  
7 mouth daily for 7 days."

8  
9 11.

10 Yakima Neighborhood Health Services Pharmacy gave plaintiff Jaime Munoz the  
11 wrong instructions for use of the methotrexate medication resulting in an overdose  
12 and injuries to him.

13 **DAMAGES**

14 12.

15 As a proximate result of the negligence of the defendant in misfilling the  
16 prescription, plaintiff Jaime Munoz suffered severe personal injuries in such amount  
17 as shall be proven at the time of trial.

18  
19 **PROCEDURE**

20 13.

21 Plaintiff Jaime Munoz presented a Claim for Damage, Injury or Death pursuant to  
22 28 U.S.C. §2675 on July 11, 2017. More than six months have elapsed since plaintiff's  
23 Claim for Damage, Injury or Death was filed without a final disposition, therefore  
24 defendant's failure to act is deemed a final denial of the claim.

1       **WHEREFORE**, plaintiff prays for judgments against the defendant in amounts to  
2 be proven at the time of trial, for plaintiff's attorney's fees and costs, and for such  
3 other and further relief as the court may deem just and equitable.

4                   DATED: April 2, 2018

5                   **ABEYTA NELSON P.C.**  
6 Attorneys for Plaintiff

7 By: 

8 Terry P. Abeyta  
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